

**TOWNSHIP OF SOUTH FRONTENAC
COMMITTEE OF ADJUSTMENT/LAND DIVISION COMMITTEE
MINUTES 14:01
FEBRUARY 13, 2014**

LOCATION: South Frontenac Municipal Offices, Sydenham

IN ATTENDANCE: Ken Gee (Storrington District)
Cam Naish (Storrington District)
Ron Vandewal (Loughborough District)
Len McCullough (Loughborough District)
Larry Redden (Portland District)
Bill Robinson (Portland District)
Pat Barr (Bedford District)

ABSENT WITH REGRETS: David Hahn (Bedford District)

STAFF: Lindsay Mills – Secretary-Treasurer/Planner
Anne Levac – Assistant Sec’y-Treasurer/Committee Clerk

RESOLUTIONS & BUSINESS:

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Item #1: Call to Order

RESOLUTION: C of A: 14:01:01

Moved by: P. Barr

Seconded by: L. Redden

THAT the February 13, 2014 meeting of the South Frontenac Township Committee of Adjustment is hereby called to order at 7:02 p.m. with Committee Secretary-Treasurer L. Mills in the Chair.

Carried

Item #2: Adoption of Agenda

Approved as circulated

Item #3: Declaration of Pecuniary Interest

None

Item #4: Election of Chair and Vice-Chair

RESOLUTION: C of A: 14:01:02

Moved by: L. McCullough

Seconded by: C. Naish

THAT Ron Vandewal is hereby nominated for the position of Chairperson of the South Frontenac Township Committee of Adjustment for the year 2014.

RESOLUTION: C of A: 14:01:03

Moved by: L. Redden

Seconded by: L. Redden

THAT Ken Gee is hereby nominated for the position of vice-chair of the South Frontenac Township Committee of Adjustment for the year 2014.

RESOLUTION: C of A: 14:01:04

THAT nominations for chairperson and vice-chairperson of the South Frontenac Township Committee of Adjustment for the year 2014 are hereby closed.

Carried

There being no further nominations, Ron Vandewal and Ken Gee were declared Chair and Vice-Chair respectively of the Committee for 2014.

R. Vandewal assumed the Chair for the remainder of the meeting/

Item #5: Approval of Minutes

RESOLUTION: C of A: 14:01:05

Moved by: L. McCullough

Seconded by: K. Gee

THAT the minutes of the December 12, 2013 meeting of the South Frontenac Township Committee of Adjustment are hereby approved as circulated.

Carried

Item #6: S-101-06-S, S-102-06-S, S-103-06-S (1259670 Ontario Ltd. – Kerr)

Speaking to the application: Melanie Kerr

Discussion

The subject lands consist of 64+/- acres on North Shore Road and Fishing Lake. The proposal is to create three waterfront lots, along with a parking and docking easement for easier access to a separate parcel which is created by natural severance. The lots would be accessed by a new right-of-way off of North Shore Road. These applications came to the Committee in 2006, at which time it was determined that an access lane had been constructed through a wetland. As a result, issues arose with the CRCA and the Ministry of Fisheries and Oceans. This has been resolved with regard to construction that has take place, but not necessarily to any construction that my still be required. The applicant has asked that the applications be brought back to the Committee. The property has been re-posted and neighbours notified. The CBO and Health Unit did not have objections to the consents when they first came to the Committee, and they have not been asked for additional comments at this time. However, the CRCA has revisited the site, and has raised a number of concerns. They have asked that applicant submit reports dealing with issues such as the stability of the access lane, the location of the 1:100 year flood plain, an engineered cut and fill proposal. Any review of required or completed construction of the access lane must be approved by the CRCA and the Township Roads Department.

M. Kerr reviewed the events that had taken place since she originally approached the Township about severing lots from her property. Carol McKillop, Nancy McRae, Maryanne Horne, J.C. Labrie and Jim Spencer all addressed the Committee to express concern about possible development on a lake that is currently undeveloped. It was suggested the development would have a major impact on the Township, particularly because of the wetland on the Kerr property. At this point there are no buildings on the lake, not even a dock. Ms. McKillop also indicated that she did not feel the property had been well cared for, and Ms. McRae expressed concern about the difficulty of seeing the severance sign posted by the applicant. It was requested that neighbours be provided an opportunity to review further reports received by the Committee in advance of the next meeting at which this item is on the agenda.

Ms. Kerr queried whether neighbours' comments meant that they didn't think she should be allowed to build even one dwelling on her property.

R. Vandewal asked if it was likely that any additional environmental studies would be required.

L. Mills suggested that it would be best if all Committee members visited the site and then it can be determined if additional information is necessary.

It will, of course, be necessary for the applicant to provide the information required by the Cataraqui Region Conservation Authority.

RESOLUTION: C of A: 14:01:06

Moved by: C. Naish

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby defers consent applications S-101-06-S, S-102-06-S and S-103-06-S by 1259670 Ontario Ltd. (Kerr) to create waterfront lots in concession 11, lot 8, Fishing Lake, District of Storrington, pending satisfactory reports and inspections concerning the access lane, and confirmation that there are suitable building envelopes on the proposed lots.

Carried

Item #7: S-01-14-S, S-02-14-S, S-03-14-S (Andrew)

Speaking to the Application: Christine Andrew

Discussion

The subject lands consist of 38+/- acres with frontage on Greenfield and Round Lake Roads. The proposed new lots would front on Greenfield. No objections have been received, and both Roads and Building support the applications. However, a report will not be available from Public Health until snow and ice are gone from the site. The applications therefore needed to be deferred pending a report from Public Health.

RESOLUTION: C of A: 14:01:07

Moved by K. Gee

Seconded by: C. Naish

THAT the South Frontenac Township Committee of Adjustment hereby defers consent applications S-01-14-S, S-02-14-S and S-03-14-S by David & Christine Andrew to create residential lots in concession 3, lot 21, Greenfield Road, District of Storrington, pending receipt of report from KFL&A Public Health.

Carried

Item #8: S-04-14-L (Lebel)

The applicant owns two adjacent lots on Bedford Road, one of which is a waterfront lot. When the non-waterfront lot was created by severance in the 1980s, there was no requirement in the severance conditions to establish a surveyed, on-title right-of-way across the severed parcel to the retained, although this is the access that has been used for the entire time that the parcels have existed as separate lots. The owner wishes to correct this situation and “legalize” the right-of-way. Direct access to the waterfront parcel would require construction through an abandoned mica pit, and over a steep embankment. No additional lots are being created.

RESOLUTION: C of A: 14:01:08

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves consent application S-04-14-L by Elizabeth Lebel, concession 8, lot 7/8, Bedford Road, District of Loughborough, to create a right-of-way to adjacent property, subject to conditions.

Carried

Application No:	S-04-14-L
Owner:	Elizabeth Lebel
Location of Property:	Concession 8, Lot 7/8, Bedford Road, District of Loughborough, Township of South Frontenac
Purpose of Application:	Consent to grant right-of-way
Date of Hearing:	February 13, 2014
Date of Decision:	February 13, 2014

DECISION: PROVISIONAL CONSENT GRANTED, subject to conditions

CONDITIONS

1. **An acceptable reference plan or legal description of the severed lands in duplicate, and the deed or instrument conveying the severed lands shall be submitted to the Secretary-Treasurer for review and consent endorsement within a period of one year after the "Notice of Decision" is given under Section 53 (17) or (24) of the Planning Act.**
2. **The right-of-way to be created by Consent Application S-04-14-L shall provide access to property in concession 8, lot 6/7, Eel Lake, described as 13R-3834 pt. part 1 (1029040 020 12310).**
3. **Payment of the balance of any outstanding taxes and local improvement charges shall be made to the Township Treasurer. (This includes all taxes levied as of the date of the stamping of the deeds.)**
4. **In the event that there are abandoned wells located on the property being severed, and the retained property, they be sealed in accordance with the requirements of the Ministry of the Environment and that this work be accomplished prior to the stamping of the deeds.**
5. **The Township of South Frontenac shall receive \$100 in lieu of parkland pursuant to Chapter P13, Section 51.1 of the Planning Act, R.S.O. 1990 and amended thereto.**
6. **The right-of-way granted through application S-04-14-L shall be surveyed at a width of 20 ft. and upgraded to the Township's standards for existing private lanes.**

Item #9: MV-01-14-P (Fleming/Kennedy)

Speaking to the Application: Tony Fleming

Discussion

This is a 2.74 acre waterfront lot, accessed by a private lane. The application is for a variance to permit construction of a dwelling to be located 70 ft. from the high water mark. Although the lot is large, the terrain and a wetland provide some challenges. There will be a new sewage disposal system, which will be further from the water than the cottage. There are currently 2 sheds and a pump house on the lot. Quinte Conservation has asked for a deferral of the application so that they can do a proper site inspection, without being hampered by snow and ice. Committee members from Portland District also requested an opportunity to visit the site in the spring.

RESOLUTION: C of A: 14:01:09

Moved by: W. Robinson

Seconded by: P. Barr

THAT the South Frontenac Township Committee of Adjustment hereby defers variance application MV-01-14-P by Tony Fleming and Terri Kennedy, concession 13, lot 7, Howes Lake, District of Portland, pending receipt of a report from Quinte Conservation, and a site visit by Committee members.

Carried**Item #10: MV-02-14-L (Hooker/Edwards)**

Speaking to the application: Rob Colangeli, agent

Discussion

This is a 6+ acre waterfront lot, accessed by a private lane. Although the lot is relatively large, the portion that would actually be considered waterfront – i.e. south of the lane – is small. The existing dwelling is located 43 ft. from the high water mark. The proposal is for a 500 sq. ft. second storey addition to the dwelling. The addition would be located over the rear portion of the dwelling, at 50- 55 ft. from the high water mark. Because this is on the west basin of Loughborough Lake, the applicant was required to obtain a preliminary environmental impact assessment. This was done by Reg Genge of Ontario Lake Assessments, and indicates that there would be no detrimental impact from the addition. The sewage disposal system for the dwelling is located well back from the lake, on the north side of the lane.

R. Vandewal commented that there is a lot of development on the property – a site plan agreement will ensure that no addition development, other than that permitted through this variance, will be permitted within 30m of the high water mark.

RESOLUTION: C of A: 14:01:10

Moved by: L. McCullough

Seconded by: K. Gee

THAT the South Frontenac Township Committee of Adjustment hereby approves variance application MV-02-14-L by John Hooker and Melissa Edwards, concession 1, lot 8, Loughborough Lake, District of Loughborough, to permit a 500 sq. ft. second storey addition to an existing dwelling, within 30m of high water mark, subject to conditions.

Carried

Owner:	John Hooker, Melissa Edwards
Location of Property:	Pt. Lot 7, Concession 1, Loughborough Lake, District of Loughborough, Township of South Frontenac
Purpose of Application:	To vary section 10.3.1 of the Comprehensive Zoning By-law to permit development within 30m of the high water mark
Date of Hearing:	February 13, 2014
Date of Decision:	February 13, 2014

DECISION: VARIANCE APPROVED, subject to conditions

CONDITIONS

- 1. The variance is limited to construction of a 500 sq. ft. second storey addition to the existing dwelling, to be located a minimum of 50 ft. from the high water mark space.**
- 2. No other structures shall be permitted within the 30m setback of the high water mark.**
- 3. Minor variance MV-02-14-L is applicable only to South Frontenac Township Comprehensive Zoning By-law 2003-75 and not to any subsequent zoning by-laws.**
- 4. A building permit is required for all demolition and construction on the property. There shall be no additional development on the property without approval from the Township of South Frontenac.**
- 5. A permit will be required from KFL&A Public Health prior to the proposed development.**
- 6. The applicant shall enter into a site plan agreement with the Township to be registered on title, which sets out the Township's environmental and limited services policies, and which requires that any development on the property will require a permit from the Cataraqui Region Conservation Authority.**

REASON FOR DECISION: The variance has been approved by staff, there have been no objections from the public, the variance is considered to be minor and in keeping with the intent of the official plan and zoning by-law.

Item #11: Adjournment**RESOLUTION: C of A: 14:01:11**

Moved by: L. Redden

Seconded by: W. Robinson

THAT the February 13, 2014 meeting of the South Frontenac Township Committee of Adjustment is hereby adjourned at 8:05 p.m. to reconvene at 7:00 p.m. on Thursday, March 6, 2014, or at the call of the Chair.

Carried

Ron Vandewal
Chair

Lindsay Mills
Secretary-Treasurer